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IN THE UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION

IN RE	§	
	§	
ARUBA PETROLEUM, INC	§	
	§	Case no. 16-42121-11
	§	CHAPTER 11
DEBTOR	§	

EMERGENCY MOTION FOR RELIEF FROM AUTOMATIC STAY TO PROCEED WITH
APPEAL

TO THE HONORABLE UNITED STATES BANKRUPTCY JUDGE:

COMES NOW, Aruba Petroleum. Inc. (the “Debtor”) moves, on an emergency basis for relief from the automatic stay to proceed with appeal, and in support thereof, respectfully states:

1. This Court has jurisdiction over this matter pursuant to 28 U.S.C. § 1334. This is a core matter. The Court has authority to grant the relief requested herein pursuant to 11 U.S.C. §§ 105 and 362.
2. The Debtor filed bankruptcy, seeking protection under Chapter 11 of title 11 of the United States Code (the “Bankruptcy Code”) on November 21, 2016 (the “Petition Date”).

3. The Debtor is continuing to operate its business as a debtor-in-possession pursuant to Sections 1107(a) and 1108 of the Bankruptcy Code.
4. By this Motion, the Debtor seeks an order permitting it to continue a pending appeal in state court.
5. Prior to the bankruptcy filing the Debtor was involved in an appeal of a judgment pending before the 5th Appellate Court Dallas Texas (“Appellate Court”) in a case styled, Aruba Petroleum, Inc., Appellant v. Lisa Parr, individually and as next friend to her minor daughter E.D. and Robert “Bob” Parr, Case 05-14-01285-CV (“Appeal”).
6. The Appeal has progressed to the point that the parties are waiting for the Appellant ruling. No additional briefing or argument is pending.
7. As the Debtor is the Appellant and no cross appeal has been taken, the Debtor does not believe the automatic stay applies, however, Texas Rules of Appellant Procedure, Rule 8.2 provides that the filing of a bankruptcy automatically suspends the Appeal.
8. In this case, the Debtor as appellant seeks to continue the Appeal to obtain a ruling from the Appellate Court.
9. Cause exists to lift the stay because the ruling from the Appellate Court will benefit the estate by either providing a liquidated amount of the Parr claim, or, in the event the appeal is decided in Debtor’s favor, the Debtor’s current cash bond of \$2,300,000 will be freed up for the Debtor to use to repay all creditors of the estate.

WHEREFORE, PREMISES CONSIDERED the Debtor requests that the Court enter an order lifting the automatic stay to allow the Debtor to obtain a ruling on the appeal from the Appellant Court, and for such other and further relief as is just.

Respectfully submitted,

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By: /s/ Eric Liepins
Eric A. Liepins
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CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of the foregoing motion was served on Micheal Mazzone 2121 McKinney, Suite 2100, Houston Texas and Ben Barron 4516 Lover Lane, Suite 280, Dallas, Texas 75225 as counsel for Arbua Petroleum, Inc. And on Counsel For Lisa Parr, Richard Capshaw, 3101 Allen Street, Suite 201, Dallas, Texas 75204 David Matthes, 2905 Sackett Street, Houston, Texas 77098 and Bradford Gilde, 55 Waugh Suite 850, Houston Texas 77007 via e-mail or United States mail on the 29th day of November 2016.

/s/ Eric Liepins
Eric A. Liepins